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REMARKS

Independent claims 1, 7, and 13 have each been amended to recite that the contact force adjustment method is applied to a motor vehicle drive system in which a continuously variable transmission is included having an endless torque-transmitting means and a pair of conical disks. Additionally, claims 6, and 8 through 12 have been amended for clarification purposes.

Claims 1, 3, 7 through 9, and 13 were rejected as anticipated by the Kurasako et al '669 reference. As noted above, claims 1, 7, and 13 have each been amended the recite the method in terms of the control of a contact force between an endless torque-transmitting means and a pair of conical disks of a continuously variable transmission. The Kurasako et al. reference, on the other hand, is directed to a vehicle brake system that includes a brake disc wall thickness detector for detecting the wall thickness variation of the disc at various points. The disc thickness value is utilized to control the contact force that is applied between the brake pads and the disc surface, so that a greater contact force is applied at high disc wall thickness sections than at lower disc wall thickness sections, to minimize the effect of disc wall thickness variations on braking effect. Consequently, the contact force varies over the rotation path of the brake disc, by controlling the hydraulic pressure either stepwise (see Fig. 3B of the reference) or by continuously varying the pressure (see Fig. 3C of the reference).

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The Kurasako et al. reference has no relationship to a vehicle power train as claimed herein. It also does not disclose or even remotely suggest a method for controlling such a device. In that regard, the reference does not teach any of the method steps recited in claims 1 and 7, nor does it teach the apparatus recited in claim 13. Moreover, there is no disclosure or suggestion in that reference that would lead one having only ordinary skill in the art to apply to a vehicle power train the brake operation method taught by the reference. And if one were to attempt to do so that method would not involve the steps and the elements claimed in either of claims 1, 7, or 13. Accordingly, the Kurasako et al. reference neither discloses nor suggests the invention as it is herein claimed.

Dependent claims 3, 8, and 9 depend from claim 1, and therefore the same distinctions as are noted above relative to claim 1 apply with equal effect to those dependent claims. Further, each of the dependent claims contains additional limitations that even further distinguish the invention as so claimed from the teachings of the Kurasako et al. reference.

Claims 2 and 12 were rejected as obvious based upon the Kurasako et al. reference and the Hanggi et al '643 reference. The Kurasako et al. reference has been shown above to be entirely different from the invention claimed in claim 1 from which each of claims 2 and 12 depend. And although the Hanggi et al. reference relates to a continuously variable transmission, it is directed to a method of controlling a transmission ratio, not to a method of controlling the contact force between the belt and a pulley. It is based upon calculating a desired force ratio and calculating a speed ratio, from which a speed ratio error

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signal is generated to calculate a succeeding force ratio. From that succeeding force ratio pressure signals were calculated to provide a desired transmission speed ratio. Thus, the Hanggi et al. reference is directed to a different problem – the provision in a transmission of a desired speed ratio.

Claims 6 and 10 were rejected as obvious based upon a combination of the Kurasako et al. reference and the Lindner et al. '115 reference. And claim 11 was rejected as obvious based upon those two references in combination with the Hanggi et al '643 reference. The Lindner et al. reference, however, relates to the control of a friction clutch and to an entirely different problem - that of adjusting for wear in a clutch - not to the problem of control of a contact force between an endless torque-transmitting means and a pair of conical disks in a continuously variable transmission. And there is no teaching or suggestion in the Lindner et al. reference that would lead one to even attempt to combine its teachings with either of the Kurasako et al. or the Hanggi et al. references.

The references that were cited and relied upon by the examiner in support of the obviousness rejections do not contain any hint or suggestion that would motivate one having only ordinary skill in the art to combine them as the examiner has done. As noted above, each of the references relied upon by the examiner relates to a different structural arrangement, to a different problem, and to a different method than that to which the present invention is directed. And because of those differences, there would be no motivation to combine them.

It is important to note that the references do not contain any teaching or suggestion as to precisely how they could be combined to arrive at the invention

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as claimed. In that regard, it is not apparent from the references which features of which reference are to be combined with which features of the other reference. In short, the references do not contain any hints concerning how they could or should be combined, assuming one even wished to attempt to do so. Accordingly, the only motivation for combining the references in the manner the examiner has done is the disclosure of the present application. But it is an improper basis for rejection to use as a road map or as a template an inventor's disclosure to aid in picking and choosing particular parts of particular references that allegedly can be combined to render obvious that which only the inventor has taught. Thus, the invention as herein claimed is directed to an invention that is not obvious from any combination of the teachings of the references relied upon.

Although one could assert broadly, as the examiner has done, that there exists a motivation to make a combination of particular references in a particular way, such a mere assertion is insufficient. In that regard, it has been held that for there to be a sufficient showing of a motivation to combine the teachings of references, that motivation must be supported by referring to some relevant and identifiable source of information. Conclusory statements of possible advantages that would lead one to combine the teachings of several references, and assumptions of what an ordinarily skilled person would or would not do, are by themselves inadequate to support a conclusion that there exists a motivation to combine references in a particular way.

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Applicant's attorney notes with appreciation the indication of allowable subject matter in claim 4. However, all the claims as hereinabove presented are urged to be patentable over the references relied upon.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the disclosures contained in the references that were cited and relied upon by the examiner, whether those references be considered in the context of 35 U.S.C. § 102 or of 35 U.S.C. § 103. Consequently, reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this Amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,



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